

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Michael B. Seyb
Mayor
Pretty Prairie
119 W Main
P.O. Box 68
Pretty Prairie, KS 67570-0068

Re: NOTICE OF VIOLATION
Pretty Prairie Public Water System
Pretty Prairie, KS
PWS ID – KS2015501

Dear Mayor Seyb:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. 300f, et. Seq. and the National Primary Drinking Water Regulations promulgated under the SDWA, 42 U.S.C. 300g-1, at 40 CFR Part 141.

More specifically, the Pretty Prairie public water system (PWS) has been in violation of the Environmental Protection Agency's standard for nitrates in drinking water for at least 15 years. The EPA's Maximum Contaminant Level for nitrates in drinking water is 10 mg/L (see 40 CFR 141.XXX). The concentration of nitrates in Pretty Prairie's water system is approximately 18 mg/L, and has been steadily increasing.

In order to comply with the requirement for nitrates in a PWS, the water system must reduce the concentration of nitrates in water served to less than the MCL of 10 mg/L.

This Notice of Violation (NOV) is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. 300g-3(a). If water system does not enter into an appropriate enforcement agreement with the Kansas Department of Health and Environment, or if KDHE does not issue an appropriate enforcement action to the water system within 30 days from receipt of this NOV, the EPA is authorized to either issue an Administrative Order under Section 1414(b) of the SDWA, 42 U.S.C. 300g-3(g), requiring the PWS to comply with the regulations or requirements, or to commence a civil action under Section 1414(b) of the SDWA. EPA defines "appropriate enforcement" in its "Drinking Water Enforcement Response Policy" (December 2009 – see CITATION)

Based on the on-going violations at the PWS, an appropriate enforcement action is necessary in order to assure compliance with the SDWA. Please be advised that the KDHE has been notified of these findings. The EPA supports the efforts of the KDHE, and per requirements of the SDWA, provides KDHE thirty (30) days from receipt of this letter in which to execute an appropriate enforcement action. If KDHE does not take such action, EPA will take necessary steps to require the water system to come into compliance.

Please inform the EPA of any change in the compliance status of this PWS. You may wish to confer with my staff to discuss the EPA's position regarding this PWS and to exchange pertinent information. You are also invited to confer with the EPA for advice and technical assistance as provided by Section 1414(a) of the SDWA, 42 U.S.C. 300g-3(g)

If you have any questions regarding this matter, please contact Scott Marquess of my staff at (913) 551-7131. A copy of this NOV has also been provided to the KDHE.

Sincerely,

Karen A. Flourney
Director
Water, Wetlands and Pesticides Division

CC: Darrel Plummer, KDHE